

DOCKET NUMBER: AAN-CV20-6039670-S

SUPERIOR COURT

DIANNA PIAZZA

J.D. OF ANSONIA/MILFORD

V.

AT MILFORD

JOHN GALLAGHER and
BEATRIZ GALLAGHER

JUNE 16, 2021

**MOTION FOR TEMPORARY RESTRAINING ORDER AND PRELIMINARY
INJUNCTION**

TO THE SUPERIOR COURT FOR THE JUDICIAL DISTRICT OF ANSONIA/MILFORD
AT MILFORD:

The undersigned respectfully represents:

1. That the plaintiff, Dianna Piazza ("Plaintiff"), pursuant to her Complaint in the above-captioned action dated August 7, 2021, has commenced an action seeking money damages from the Defendants, John Gallagher and Beatriz Gallagher ("Defendant").

2. That the defendant, John Gallagher is deceased and title to 71 Chamberlain Drive, Shelton, Connecticut has passed to the defendant, Beatriz Gallagher ("Defendant") through operation of law.

3. As set forth in the Affidavit of the Plaintiff, filed in support of this Motion for Temporary Restraining Order and Preliminary Injunction:

a. Defendant is actively seeking to sell and divest title to 71 Chamberlain prior to a disposition of the above captioned matter and this is sufficient cause for granting Plaintiff's motion for a temporary restraining order;

b. Plaintiff will suffer irreparable injury, loss or damage, including unreasonable interference with her use and enjoyment of the Property and have no adequate remedy of law if the court does not issue the requested temporary restraining order and preliminary injunction prior to the Defendant's sale of 71 Chamberlain;

c. the issuance of a temporary restraining order would preserve the status quo; and

d. it would be inequitable to allow Defendant to sell and/or otherwise divest title to 71 Chamberlain prior to replacing the Pipe as it would subject Plaintiff to future unreasonable interference with her use of the Property and future damages thereto and Defendant, by selling 71 Chamberlain, would be acting with reckless indifference to the rights of Plaintiff.

4. Accordingly, Plaintiff seeks a preliminary injunction enjoining Defendant or any of Defendant's representatives, agents, contractors or servants from selling or otherwise divesting title to 71 Chamberlain until a full trial on the merits is completed in this matter or until Defendant has the Pipe replaced with one that is adequate for its purposes and provides this court with proof of the same.

5. Additionally, Plaintiff seeks an order restraining the Defendant or any of Defendant's representatives, agents, contractors or servants from selling or otherwise divesting title to 71 Chamberlain pending a hearing on Plaintiff's motion for preliminary injunction or until Defendant has the Pipe replaced with one that is adequate for its purposes and provides this court with proof of the same.

THE PLAINTIFF,
DIANNA PIAZZA

By: /s/ Christopher M. Cerami, Esq.
Christopher M. Cerami, Esq.
Willinger, Willinger & Bucci, P.C.
1000 Bridgeport Avenue, Suite 501
Shelton, CT 06484
(203) 366-3939 Juris #23585